

Exhibit 21

Letter from Marc Jackson,
Field Supervisor, U.S. Fish and Wildlife Serv., Reno Office
to
Amy Atwood, Senior Att’y, Ctr. for Biological Diversity
(Oct. 27, 2020)
(on file with Ctr. for Biological Diversity).



United States Department of the Interior

Pacific Southwest Region FISH AND WILDLIFE SERVICE

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October 27, 2020

Ms. Amy R. Atwood
Center for Biological Diversity
Post Office Box 11374
Portland, Oregon 97211-0374

Subject: Center for Biological Diversity Petition to Emergency List *Eriogonum tiehmii* dated September 17, 2020, and Notice of Intent to Sue dated October 8, 2020

Dear Ms. Atwood:

We are responding to recent correspondence from your organization to make you aware of our progress towards evaluating current impacts and potential threats to *Eriogonum tiehmii* (*E. tiehmii*; Tiehm's buckwheat). We have also received your Notice of Intent to Sue, dated October 8, 2020.

As we previously stated in our 90-day finding, the Endangered Species Act (ESA) does not provide a process to petition an emergency listing; therefore, we are evaluating your organization's October 7, 2019, petition to list *E. tiehmii* under section 4 of the ESA under the normal process of determining if it presents substantial scientific or commercial information indicating that the petitioned action may be warranted. However, the Service is aware of and very concerned about the recent events that have resulted in a substantial loss of plants in the *E. tiehmii* population. Since these reports were first made on September 9, 2020, we have been actively engaging with partners to better understand the cause of this event, to determine if impacts to plants are still occurring, and to evaluate how this change in population structure and plant abundance has affected the viability of this species. This has included:

- Evaluating field reports and correspondence provided by your organization and other researchers;
- Evaluating field reports from EM Strategies (contractor for the project proponent, Ioneer);
- Engaging small mammal specialists from Texas A&M and Nevada Department of Wildlife (NDOW);

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- Collaborating with staff from the Bureau of Land Management (BLM), Nevada Division of Natural Heritage, NDOW, Nevada Division of Forestry, and University of Nevada, Reno;
- Communicating with plant experts across the nation;
- Field visits by our staff; and
- Contracting genetic research on this issue.

As you know, in July 2020, we issued our 90-day finding that determined that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted. Because of recent events and our evaluation of potential threats to the species, including their imminence, we placed the 12-month finding in our highest priority category and immediately began our evaluation. Thus far, this has included moving this listing evaluation to the top of our Regional listing workload; initiating a species status review in connection with our 12-month listing process; and continued evaluation of events in the field and consideration of invoking an emergency listing for this species.

Currently, we are not planning to issue an emergency listing determination. We have considered the immediacy of possible threats to the species and our review of the current situation does not indicate that an emergency situation exists. The proposed mine operation has not been permitted, and we anticipate completing our 12-month listing determination prior to permitting. While the recent plant loss is of concern to all, initial observations and analysis indicate that it was the result of natural predation by herbivores. As discussed further below, actions underway by U.S. Fish and Wildlife Service (Service), BLM, and other partners demonstrate a coordinated effort to conserve and protect *E. tiehmii* while we proceed with our 12-month finding.

We anticipate that the 12-month finding will be completed by the end of fiscal year 2021, and the Service has invested substantial resources towards completing the finding quickly and comprehensively. We anticipate that the 12-month listing determination will be completed in sufficient time to help guide the BLM's decision-making in their National Environmental Policy Act process regarding the proposed lithium mine.

Currently, the BLM has implemented actions to actively monitor the population and both the BLM and Service are discussing further actions to help monitor and protect the species. In addition, as mentioned above, we continue to collaborate with multiple partners to investigate the recent events and to evaluate the impact of these events on this species.

Regardless of the cause of the recent loss of *E. tiehmii* plants, we are very concerned about this event and how it will affect the viability of the species. We will continue to fully engage in the 12-month listing evaluation process as well as to actively evaluate the impacts to this species. Thank you for your continued concern and communication regarding *E. tiehmii*.

Ms. Amy R. Atwood

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If we can be of further assistance, please contact me or Justin Barrett at (775) 861-6300. Please note, we now accept official correspondence at RFWEmail@fws.gov.

Sincerely,

MARC JACKSON Digitally signed by MARC JACKSON
Date: 2020.10.27 11:01:06 -07'00'

Marc Jackson
Field Supervisor

cc:

Attorney-Advisor, Pacific Southwest Office of the Solicitor, U.S. Department of the Interior,
Sacramento, California (Attn: Adele Young)

District Manager, Battle Mountain District, Bureau of Land Management, Battle Mountain,
Nevada